

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LEWIS ROBINSON,)	CASE NO. 1:06 CV 1441
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
CITY OF CLEVELAND,)	<u>AND ORDER</u>
)	
Defendant.)	

This action, filed by plaintiff pro se Lewis Robinson in the Cuyahoga County Court of Common Pleas, was removed to this court by the defendant City of Cleveland on June 12, 2006. The complaint seeks to raise constitutional and state law claims related to the 1999 demolition of plaintiff's property by defendant.

This is the second action removed by the City of Cleveland to this court concerning the 1999 demolition of plaintiff's property. The first was dismissed with prejudice pursuant to summary judgment on February 21, 2003. See Case No. 1:01 CV 2453.

The doctrine of res judicata bars a claim when: 1) the same party or parties in privity with them were present in the prior litigation; 2) a court of competent jurisdiction has entered a valid judgment on the merits; and 3) the present action concerns the same subject matter or cause of action as the prior suit. Sea-Land Services, Inc. v. Gaudet, 414 U.S. 673, 579

(1974); Harrison v. Bloomfield Building Industries, Inc., 435 F.2d 1192 (6th cir. 1970). The fundamental concept embodied in the doctrine of res judicata is that a "right, question or fact distinctly put in issue and directly determined by a court of competent jurisdiction ... cannot be disrupted in a subsequent suit between the same parties of their privies" Southen Pacific R. Co. v. United States, 168 U.S. 1, 48-49 (1897). Once having a fair and full opportunity to litigate a matter, res judicata protects parties from expense of multiple lawsuits, conserves judicial resources and protects the integrity of the judicial system, See, United States v. Stauffer Chemical Co., 684 F.2d 1174, 1180 (6th Cir. 1982).

The instant case is clearly barred by the doctrine of res judicata. Accordingly, this action is dismissed. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE